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June 16, 2022

Magistrate Judge Roanne L. Mann
United States District Court Judge
U.S. Eastern District, New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF Filing

RE: Brainwave Science, Inc. v. Arshee, Inc. et al
Case Number: 1:21-cv-04402-BMC

Dear Judge Mann,

The undersigned represents Brainwave Science, Inc. (“Brainwave”) in the above-captioned matter. I am writing in follow up to the Court’s Docket Order of May 26, 2022 which extended Defendant Farwell’s time to respond to Plaintiff’s disclosure requests, and directed Defendant Farwell to respond to Plaintiff’s Order to Show Cause (ECF #66) by June 15, 2022.

Please allow this correspondence to confirm that, as of this date, Defendant Farwell has not provided responses to Plaintiff’s First Request for Production of Documents (served October 19, 2021) or Plaintiff’s Second Request for Production of Documents (served April 25, 2022). Defendant Farwell has also not served or provided Plaintiff with response(s) to Plaintiff’s Order to Show Cause (ECF #66).

The record reflects that correspondence from the Court to Defendant Farwell has been returned as undeliverable (ECF #68). During his deposition of April 25, 2022, Defendant Farwell confirmed that he resides in a dry-docked boat on the Puget Sound with a physical mailing address of 28375 Sandy Beach Lane NE, PO Box 547, Kingston, WA 98346. Defendant Farwell has previously accepted personal service at this address.

Thank you for your time and consideration of the forgoing. The undersigned remains available at the Court's convenience.

Respectfully,

Paul F. Tomkins

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